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California Regional Water Quality Control Board

San Diego Region

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TO: File 50.2661.05

FROM: Sue Pease, Environmental Scientist
SAN DIEGO REGIONAL WATER QUALITY CONTROL BOARD

DATE: November 8, 2001

SUBJECT: Meeting with Representatives of Budget Trade & Gas Facility, 510 West 5th Avenue, Escondido, CA: Remedial Action, Addendum No. 3 To CAO No. 2000-255, Access to Escondido Lumber for Ground Water Monitoring Wells, Ability to Pay Analysis, and Compliance Deadlines

Mr. Jimmy Hsu, owner and operator of Budget Trade and Gas, Susan Gehring (a Mandarin Chinese translator), and Regional Water Quality Control Board (Regional Board) staff member, Sue Pease, and Chuck Houser (consultant with Southern California Soil & Testing, Inc.) met at our office on November 8, 2001 to discuss the following:

- 1) Remedial Action
 - a) Pilot Test
 - b) Soil testing and possible removal
 - c) Postpone enhanced free product recovery system
 - d) Obtaining 3 bids for CAP (for preapproval with UST Cleanup Fund)
- 2) CAO No. 2000-255 Addendum No. 3
Pilot Test Due Date
- 3) Letter to Escondido Lumber
- 4) Ability to Pay Analysis
 - a) Letter to Sacramento
 - b) Sacramento's request for:
 - i) 3 year's tax returns – personal and business
 - ii) 3 year's financial statements (from accountant)
 - iii) list of assets
 - iv) confidentiality issue
- 5) Continued compliance
 - a) continuing to make payments on previous ACL, nonpayments are viewed as noncompliance and UST Cleanup Fund may withdraw letter of commitment) – October and November payment due
 - b) review of compliance dates table

California Environmental Protection Agency

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Meeting discussion:

We brought in a Mandarin translator, Mrs. Gehring, to help overcome language problems since Mr. Hsu's first language is Mandarin Chinese.

Item 1. I reviewed the proposed Corrective Action Plan (CAP) and discussed shifting the focus from enhanced free product recovery to the pilot test and possible removal of contaminated soil. Once the pilot test is completed, a system is designed and put on-line, and removal of contaminated soil takes place (if warranted), it may not be necessary to construct an enhanced free product recovery system. I also discussed the requirement for Mr. Hsu to obtain three bids for the CAP to submit to the UST Cleanup Fund for preapproval of the costs. Mr. Hsu understood all of the discussion.

Item 2. I reviewed the Addendum No. 3 to CAO No. 2000-255 which states the dates the pilot test would take place and the due date for the report. Chuck Houser wanted to know if the due date could be changed. I told him the due date was based on the timeline he submitted to me, and the date was not flexible. Chuck stated he would do what he could to meet the due date.

Item 3. I discussed the letter sent to Mr. Pete Gorman of Escondido Lumber. The letter requested Mr. Gorman to reach an access agreement with Mr. Hsu and inform me in writing by November 21, 2001 that an agreement had been reached. The access agreement is for access to Escondido Lumber to drill ground water monitoring wells. Mr. Hsu understood the letter.

Item 4. I discussed the Ability to Pay analysis that we had requested the State Office to perform. The request was made to determine whether Mr. Hsu has the ability to pay the Administrative Civil Liability (ACL) that was imposed on him with ACL Order No. 2000-23. The State needs certain documents from Mr. Hsu in order to complete the ability to pay analysis. Mr. Hsu understands what documents we need and will get them to me as soon as possible. He said none of them need confidentiality.

Item 5. I reviewed the compliance dates table and reminded Mr. Hsu that he needs to continue making the monthly payments on ACL No. 2000-23 until the ability to pay analysis is completed. Mr. Hsu said he would drop off the October and November payments next week. I reminded Mr. Hsu that the due date for the pilot test is January 15, 2002, and he reminded Chuck Houser to submit the report by that date.

cc: Mr. Jimmy Hsu
Mr. Chuck Houser

bcc: John Robertus
Art Coe
Dave Barker
Julie Chan
John Richards

